

SECOND REGULAR SESSION

SENATE BILL NO. 1213

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS COLEMAN AND RIDGEWAY.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5205S.021

AN ACT

To amend chapter 334, RSMo, by adding thereto thirteen new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto thirteen new sections, to be known as sections 334.1051, 334.1053, 334.1056, 334.1059, 334.1062, 334.1065, 334.1068, 334.1071, 334.1074, 334.1077, 334.1080, 334.1083, and 334.1084, to read as follows:

334.1051. 1. As used in sections 334.1051 to 334.1084, the following terms shall mean:

(1) "Approved naturopathic college", a four academic year in-residence, doctoral-level naturopathic medical education program that is accredited by the Council on Naturopathic Medical Education, its successor or equivalent, and is located at an institution of higher education that is accredited by a regional accrediting agency recognized by the United States Department of Education;

(2) "Board", the state board of registration for the healing arts;

(3) "Department", the department of economic development;

(4) "Diagnose", to examine another person, parts of a person's body, or substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body to determine the source, kind, or extent of a disease or other physical condition;

(5) "Natural medicine", includes:

(a) Food, food extracts, and dietary supplements as defined by the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq., as amended;

19 (b) Plant, animal, mineral, and microbial substances that are not
20 designated as prescription drugs or controlled substances;

21 (c) Homeopathic remedies and substances prepared according to
22 the Homeopathic Pharmacopeia of the United States; and

23 (d) The term does not include controlled substances described in
24 chapter 195, RSMo;

25 (6) "Naturopathic practitioner" or "naturopath", a person licensed
26 to practice naturopathic medicine pursuant to sections 334.1051 to
27 334.1084;

28 (7) "Naturopathic medicine" or "naturopathy", a system of
29 primary health care for the prevention, diagnosis, and care of human
30 health conditions, injuries, and diseases that uses education and
31 natural substances and remedies to support and stimulate the
32 individual's intrinsic self-processes;

33 (8) "Naturopathic physical medicine", the use of the physical
34 agents of air, water, heat, cold, sound, light, and electromagnetic non-
35 ionizing radiation, and the physical modalities of electrotherapy,
36 biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy,
37 naturopathic mobilization therapy, exercise, and other electrical
38 devices as approved by the board. The term does not include the
39 practice of physical therapy, acupuncture, or chiropractic;

40 (9) "Topical preparations", topical analgesics, anesthetics,
41 antiseptics, scabicides, antifungals, and antibacterials. The term does
42 not include controlled substances described in chapter 195, RSMo.

43 2. Any person who is not currently a licensed naturopathic
44 practitioner within the meaning of the law to practice naturopathic
45 medicine in any of its departments shall not engage in the practice of
46 naturopathic medicine except as provided by sections 334.1051 to
47 334.1084.

48 3. As used in the laws of this state, the terms "naturopath",
49 "practitioner of naturopathic medicine", "naturopathy", or similar terms
50 shall be construed to mean naturopathic practitioners licensed
51 pursuant to this chapter. In this state, no practitioner of naturopathic
52 medicine may use the title "doctor" in any manner or title or hold
53 himself or herself out to the public as "doctor", "N.D.", or "N.M.D.".

54 4. The term "naturopathic" shall be used in any sign, letterhead,
55 advertisement, solicitation, or other method of addressing the public.

334.1053. Candidates for licensure as naturopathic practitioners
2 shall furnish satisfactory evidence of their good moral character and
3 their preliminary qualifications as follows:

- 4 (1) File an application with the department;
- 5 (2) Earned a degree of doctor of naturopathy from an approved
6 naturopathic college;
- 7 (3) Have experience as a naturopathic practitioner satisfactory
8 to the board and in accordance with the board's regulations;
- 9 (4) Pass the naturopathic physician's licensing exam (NPLEX),
10 or its successor or equivalent examination, as determined by the board;
- 11 (5) Be at least twenty-one years of age;
- 12 (6) Be a United States citizen or an alien lawfully admitted for
13 permanent residence in the United States; and
- 14 (7) Pay all application and examination fees required by the
15 board.

334.1056. 1. There is hereby established an "Advisory
2 Commission for Naturopathic Medicine" for the purpose of advising the
3 state board of registration for the healing arts on the licensing and
4 supervising of all naturopathic practitioners. The commission shall
5 consist of six members, including one voting public member, to be
6 appointed by the governor with the advice and consent of the senate. At
7 least four members of the commission shall be licensed
8 naturopaths. Each naturopath member of the commission shall be a
9 citizen of the United States, actively engaged in the practice of
10 naturopathy immediately preceding his or her appointment. One
11 member shall be appointed from an appropriate healing profession,
12 including medicine, as a person licensed pursuant to this chapter. No
13 more than four members shall be affiliated with the same political
14 party. All members shall be appointed for a term of four years. Each
15 member shall receive compensation in an amount set by the commission
16 not to exceed seventy dollars for each day devoted to the duties of the
17 commission, and shall be entitled to reimbursement for the member's
18 expenses necessarily incurred in the discharge of his or her official
19 duties.

20 2. The commission's initial naturopathic practitioner members
21 shall be professional members of the Missouri Association of
22 Naturopathic Physicians and:

- 23 (1) Be actively practicing naturopathic medicine; or
24 (2) Hold an active license to practice naturopathic medicine in
25 another state where such license requires passage of a professional
26 naturopathic medical licensing examination.

27 The naturopathic practitioner members appointed to the initial
28 commission shall be licensed in accordance with sections 334.1051 to
29 334.1084 not later than one year after establishment of the licensing
30 rules and regulations. If for any reason such a member cannot be
31 licensed within such time period, a new member shall be appointed.

32 3. The initial appointments to the commission shall be one
33 member for a term of one year, one member for a term of two years, one
34 member for a term of three years, and two members for a term of four
35 years.

36 4. The public member shall, at the time of his or her
37 appointment, be a citizen of the United States, a resident of this state
38 for a period of one year, and a registered voter. The public member
39 shall not be a person who is or ever was a member of any profession
40 licensed or regulated pursuant to this chapter or the spouse of such
41 person, and a person who has or has ever had a material financial
42 interest in providing for the professional services regulated by this
43 chapter, or an activity or organization directly related to any
44 profession licensed or regulated pursuant to this chapter. All members,
45 including public members, shall be chosen from a list submitted by the
46 director of the department of economic development. The duties of the
47 public member shall not include the determination of technical
48 requirements for licensure or whether any person meets such technical
49 requirements or of the technical competence or judgment of a licensee
50 or candidate.

 334.1059. 1. The state board of registration for the healing arts
2 shall:

3 (1) Adopt rules that are necessary or proper for the
4 administration of sections 334.1051 to 334.1084;

5 (2) Administer and enforce all provisions of sections 334.1051 to
6 334.1084 and all rules adopted by the board pursuant to the authority
7 granted in sections 334.1051 to 334.1084;

8 (3) Set the amount of the fees which sections 334.1051 to 334.1084
9 authorizes and requires by rules and regulations promulgated pursuant

10 to section 536.021, RSMo. The fees shall be set at a level to produce
11 revenue which shall not substantially exceed the cost and expense of
12 administering sections 334.1051 to 334.1084;

13 (4) Deposit all funds received pursuant to sections 334.1051 to
14 334.1084 in the board of registration for the healing arts fund
15 established in section 334.050; and

16 (5) Adopt rules for conducting licensing examinations required
17 by sections 334.1051 to 334.1084.

18 2. The board may:

19 (1) Adopt rules that prescribe continuing medical education for
20 the renewal of licenses issued pursuant to sections 334.1051 to 334.1084;

21 (2) Employ permanent or temporary personnel it deems
22 necessary to carry out the purposes of sections 334.1051 to 334.1084 and
23 designate their duties.

24 3. Any rule or portion of a rule, as that term is defined in section
25 536.010, RSMo, that is created under the authority delegated in sections
26 334.1051 to 334.1084 shall become effective only if it complies with and
27 is subject to all of the provisions of chapter 536, RSMo, and, if
28 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
29 are nonseverable and if any of the powers vested with the general
30 assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date or to disapprove and annul a rule are subsequently held
32 unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2006, shall be invalid and void.

334.1062. 1. A person who holds a license pursuant to sections
2 334.1051 to 334.1084 shall display such document in a conspicuous place
3 that is accessible to view by the public.

4 2. A person who practices, conducts affairs, or is employed at
5 more than one location and who maintains a continuing activity as
6 authorized by the license shall display a duplicate of such document
7 issued by the board at each location.

334.1065. 1. All persons desiring to practice as a naturopathic
2 practitioner in this state shall be examined as to their fitness to engage
3 in such practice by the board. All persons applying for examination
4 shall file an application with the board at least thirty days before the
5 date set for the examination upon applications furnished by the board.

6 2. The examination required for a license pursuant to sections

7 334.1051 to 334.1084 shall be the naturopathic physician's licensing
8 examination (NPLEX), its successor examination or equivalent, as
9 determined by the board.

10 3. Upon the applicant paying a fee equivalent to the required
11 examination fee and furnishing the board with all locations of previous
12 practice and licensure in chronological order, the board shall, pursuant
13 to regulations prescribed by it, admit without examination qualified
14 persons who meet the requirements of sections 334.1051 to 334.1084,
15 and who hold certificates of licensure in any state or territory of the
16 United States or the District of Columbia authorizing them to practice
17 in the same manner and to the same extent as naturopathic
18 practitioners are authorized to practice pursuant to sections 334.1051
19 to 334.1084. Within the limits of this subsection, the board is
20 authorized and empowered to negotiate reciprocal compacts with
21 licensing boards of other states for admission of licensed practitioners
22 from Missouri in other states.

334.1068. Sections 334.1051 to 334.1084 do not apply to the
2 following persons:

3 (1) Any naturopathic practitioner who is employed as a resident
4 in a public hospital, provided such practice is limited to such hospital
5 and is under the supervision of a licensed naturopathic practitioner;

6 (2) Any naturopathic practitioner who is licensed in another
7 state or country and who is meeting a naturopathic practitioner
8 licensed in this state, for purposes of consultation, provided such
9 practice is limited to such consultation;

10 (3) Any naturopathic practitioner who is licensed in another
11 state or country and who is visiting a naturopathic or other medical
12 school or teaching hospital in this state to conduct naturopathic
13 instruction for a period not to exceed six months, provided such
14 practice is limited to such instruction and is under the supervision of
15 a licensed naturopathic practitioner pursuant to sections 334.1051 to
16 334.1084;

17 (4) Any naturopathic student who is performing a clinical
18 clerkship or similar function in a hospital and who is matriculated in
19 a naturopathic school which meets standards satisfactory to the
20 department, provided such practice is limited to such clerkship or
21 similar function in such hospital;

22 (5) A person engaged in the sale of vitamins, health foods,
23 dietary supplements, herbs, or other products of nature the sale of
24 which is not otherwise prohibited under state or federal law. Nothing
25 in this section allows such person to hold himself or herself out as a
26 naturopathic practitioner;

27 (6) Any other person licensed in this state in any health care
28 profession while the person is practicing within the scope of the
29 license.

 334.1071. 1. Notwithstanding the provisions of sections 334.1059
2 to 334.1062, a person may be licensed as a naturopathic practitioner
3 without meeting the requirements of section 334.1059 if the applicant:

- 4 (1) Is a resident of this state;
5 (2) Is at least twenty-one years of age;
6 (3) Provides proof acceptable to the board, as established by rule
7 of the board, that the person has been actively engaged in naturopathic
8 health care and has held the person out to the public as qualified to
9 practice naturopathy for at least eighteen of the last twenty years
10 before August 28, 2006;
11 (4) Derives the majority of the person's income from the practice
12 of naturopathic medicine; and
13 (5) Applies for a license pursuant to this section before July 1,
14 2008.

15 2. The board by rule may provide for limitations on the practice
16 of a person licensed pursuant to subsection 1 of this section. The board
17 may require a person licensed pursuant to this section to be identified
18 as a person whose practice is limited.

19 3. A person licensed pursuant to this section may:

- 20 (1) Use the title naturopathic practitioner and any other title
21 allowed pursuant to sections 334.1051 to 334.1084; and
22 (2) Practice naturopathy only within the scope of practice that
23 reflects the limits of the person's training and experience.

 334.1074. Any person who violates any provision of sections
2 334.1051 to 334.1084 is guilty of a class A misdemeanor.

 334.1077. The board shall not renew any license unless the
2 licensee provides satisfactory evidence that the licensee has complied
3 with the board's minimum requirements for continuing education. All
4 persons once licensed to practice naturopathic medicine in this state

5 shall, on or before the license renewal date, furnish to the board
6 satisfactory evidence of completion of the requisite number of hours of
7 postsecondary study, which shall be twenty-four hours during each
8 twelve months of the registration period immediately preceding the
9 filing of the registration renewal application. The postgraduate study
10 required shall be from a board-approved continuing education
11 program.

334.1080. 1. Every person licensed pursuant to the provisions of
2 sections 334.1051 to 334.1084 shall renew his or her application on or
3 before the registration renewal date. The application shall be made
4 under oath on a form furnished by the board. The application shall
5 include, but not be limited to, disclosure of the following:

6 (1) The applicant's full name, the applicant's office and residence
7 address, and the date and number of his or her license;

8 (2) All final disciplinary actions taken against the applicant; and

9 (3) Information concerning the applicant's current physical and
10 mental fitness to practice as a naturopathic practitioner.

11 2. A blank form for application for registration shall be mailed
12 to each person licensed in this state at the person's last known office
13 or residence address. The failure to receive it does not, however,
14 relieve any person of the duty to register and pay the fee required by
15 this chapter nor exempt him or her from the penalties provided by
16 sections 334.1051 to 334.1084 for failure to register.

17 3. If a person licensed by the board does not renew such license
18 by the license expiration date, such license shall be deemed void. If
19 such person's license is deemed void, he or she may apply for a
20 reinstatement of such license pursuant to the procedures established
21 by the board.

334.1083. 1. Each applicant for license pursuant to sections
2 334.1051 to 334.1084 shall accompany the application for license with
3 a license fee to be paid to the director of revenue. If the application is
4 filed and the fee paid after the license renewal date, a delinquent fee
5 shall be paid; but whenever in the opinion of the board the applicant's
6 failure to register is caused by extenuating circumstances including
7 illness of the applicant, as defined by rule, the delinquent fee may be
8 waived by the board. Whenever any new license is granted to any
9 person pursuant to the provisions of sections 334.1051 to 334.1084, the

10 board shall, upon application, issue to such licensee a license covering
11 a period from the date of the issuance of the license to the next renewal
12 date without the payment of any registration fee.

13 2. The board shall set the amount of the fees which sections
14 334.1051 to 334.1084 authorizes and requires by rules promulgated
15 pursuant to chapter 536, RSMo. The fees shall be set at a level to
16 produce revenue which shall not substantially exceed the cost and
17 expense of administering sections 334.1051 to 334.1084.

334.1084. The board shall adopt a naturopathic formulary that
2 lists the drugs and substances approved for intramuscular or
3 intravenous administration by a naturopathic practitioner under the
4 order of a physician. The board shall appoint a naturopathic formulary
5 advisory committee, which shall advise the board and make
6 recommendations on the list of substances that may be included in the
7 naturopathic formulary. In no event shall the formulary include any
8 controlled substance listed in chapter 195, RSMo. The naturopathic
9 formulary advisory committee shall consist of a licensed pharmacist, a
10 person knowledgeable in medicinal plant chemistry, two persons
11 licensed to practice medicine and surgery, and two naturopathic
12 practitioners licensed under sections 334.1051 to 334.1084.

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